



1 Education and Workforce Development Cabinet
2 Kentucky Board of Education
3 Department of Education
4 (Amended After Comments)
5 704 KAR 3:370. Professional Growth and Effectiveness System.
6 RELATES TO: KRS 156.557
7 STATUTORY AUTHORITY: KRS 156.070, 156.557(5)(c)
8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557(2) and (5)(c) require the Kentucky
9 Board of Education to promulgate administrative regulations to establish a statewide professional
10 growth and effectiveness system for the purposes of supporting and improving the performance of all
11 certified school personnel and to develop written guidelines for local school districts to follow in
12 implementing a statewide system of evaluation for certified school personnel. This administrative
13 regulation establishes a statewide professional growth and effectiveness system to support and improve
14 the performance of all certified school personnel.
15 Section 1. Definitions. (1) "Artifact" means a product of a certified school personnel's work that
16 demonstrates knowledge and skills.
17 (2) "Assistant principal" means a certified school personnel who devotes the majority of employed time
18 in the role of assistant principal, for which administrative certification is required by the Education
19 Professional Standards Board pursuant to Title 16 KAR.
20 (3) "Certified administrator" means a certified school personnel, other than principal or assistant
21 principal, who devotes the majority of employed time in a position for which administrative certification

- 1 is required by the Education Professional Standards Board pursuant to Title 16 KAR.
- 2 (4) "Certified school personnel" means a certified employee, below the level of superintendent, who
3 devotes the majority of employed time in a position in a district for which certification is required by the
4 Education Professional Standards Board pursuant to Title 16 KAR and includes certified administrators,
5 assistant principals, principals, other professionals, and teachers.
- 6 (5) "Conference" means a meeting between the evaluator and the evaluatee for the purposes of
7 providing[evaluator] feedback, analyzing the results of an observation or observations, reviewing other
8 evidence to determine the evaluatee's accomplishments and areas for growth, and leading to the
9 establishment or revision of a professional growth plan.
- 10 (6) "Evaluatee" means the certified school personnel who is being evaluated.
- 11 (7) "Evaluator" means the primary evaluator as described in KRS 156.557(5) (c) 2.
- 12 (8) "Formative evaluation" is defined in KRS 156.557(1) (a).
- 13 (9) **"Improvement plan" means a plan for improvement of up to twelve (12) months in duration for**
14 **teachers who are rated ineffective in professional practice and have a low overall student growth**
15 **rating and for principals who are rated ineffective in professional practice and have a high,**
16 **expected, or low overall student growth rating.**
- 17 **(10)** "Job category" means a group or class of certified school personnel positions with closely related
18 functions.
- 19 **(11)[(10)]** "Local contribution" means a rating based on the degree to which a teacher, principal, or
20 assistant principal meets student growth goals and is used for the student growth measure.
- 21 **(12)[(11)]** "Local formative growth measures" is defined in KRS 156.557(1) (b).
- 22 **(13)[(12)]** "Observation" means a data collection process conducted by a certified observer for the
23 purpose of evaluation and may include notes and professional judgments made during one (1) or more
24 classroom or worksite visits of any duration, may include examination of artifacts, and may be

- 1 conducted in person or through video.
- 2 ~~(14)~~~~(13)~~ "Observer certification" means a process of training and ensuring that certified school
- 3 personnel who serve as observers of evaluatees have demonstrated proficiency in rating teachers for the
- 4 purposes of evaluation and feedback.
- 5 ~~(15)~~~~(14)~~ "Observer recalibration" means the process of ensuring that certified school personnel have
- 6 maintained proficiency and accuracy in observing teachers for the purposes of evaluation and providing
- 7 feedback.
- 8 ~~(16)~~~~(15)~~ "Other professionals" means certified school personnel and does not include teachers,
- 9 administrators, assistant principals, or principals.
- 10 ~~(17)~~~~(16)~~ "Overall student growth rating" means the rating that is calculated for a teacher evaluatee
- 11 pursuant to the requirements of Section 7(9) and (10)~~[Sections 8(5) and (6)]~~ of this administrative
- 12 regulation and that is calculated for an assistant principal or principal evaluatee pursuant to the
- 13 requirements of Section 10(8)~~[Sections 11(4) and (5)]~~ of this administrative regulation.
- 14 ~~[(17) "Peer assistance and review process" means a process created to provide peer assistance and~~
- 15 ~~review for the purposes of supporting and improving instructional practice and making personnel~~
- 16 ~~decision recommendations.]~~
- 17 (18) "Peer observation" means observation and documentation by trained certified school personnel.
- 18 (19) "Performance criteria" means the areas, skills, or outcomes on which certified school personnel
- 19 shall be evaluated.
- 20 (20) "Performance rating" means the summative description of a teacher, principal, or assistant principal
- 21 evaluatee's performance and includes the following ratings:
- 22 (a) "Exemplary" means the rating for performance that consistently exceeds expectations for effective
- 23 performance;
- 24 (b) "Accomplished" means the rating for performance that consistently meets expectations for effective

1 performance;

2 (c) "Developing" means the rating for performance that inconsistently meets expectations for effective
3 performance; and

4 (d) "Ineffective" means the rating for performance that consistently fails to meet expectations for
5 effective performance.

6 (21) "Preschool teacher" means a certified school personnel who holds a certificate required by 16 KAR
7 2:040 and who meets the preschool lead teacher qualifications required by 704 KAR 3:410, Section 7.

8 (22) "Principal" means a certified school personnel who devotes the majority of employed time in the
9 role of principal, for which administrative certification is required by the Education Professional
10 Standards Board pursuant to 16 KAR 3:050.

11 (23) "Professional growth and effectiveness system" or "system" means an evaluation system to support
12 and improve the performance of certified school personnel that meets the requirements of KRS
13 156.557(1)(c), (2), and (3) and that uses clear and timely feedback to guide professional development.

14 (24) "Professional growth plan" means an individualized plan for a certified personnel that is focused on
15 improving professional practice and leadership skills, aligned with performance standards and the
16 specific goals and objectives of the school improvement plan or the district improvement plan, built
17 using a variety of sources and types of data that reflect student needs and strengths, evaluatee data, and
18 school and district data, produced in consultation with the evaluator **as described in Sections 9(1), (2),**
19 **(3), and (4) and 12(1), (2), (3), and (4)**, and includes:

20 (a) Goals for enrichment and development that are established by the evaluatee in consultation with the
21 evaluator;

22 (b) Objectives or targets aligned to the goals;

23 (c) An action plan for achieving the objectives or targets and a plan for monitoring progress;

24 (d) A method for evaluating success; and

1 (e) The identification, prioritization, and coordination of presently available school and district resources
2 to accomplish the goals.

3 (25) "Professional practice" means the demonstration, in the school environment, of the evaluatee's
4 professional knowledge and skill.

5 (26) "Professional practice rating" means the rating that is calculated for a teacher evaluatee pursuant to
6 Sections 8(2), (3), and (4) of this administrative regulation and that is calculated for a principal or
7 assistant principal evaluatee pursuant to the requirements of Section 10(2) of this administrative
8 regulation.

9 (27) "Self-reflection" means the annual process by which certified school personnel assess the
10 effectiveness and adequacy of their knowledge and performance for the purpose of identifying areas for
11 professional learning and growth.

12 (28) "Sources of evidence" means the multiple measures listed in KRS 156.557(4) and in Sections 8 and
13 10 of this administrative regulation.

14 (29) "State contribution" means the student growth percentiles, as defined in 703 KAR 5:200, Section
15 1(11), for teachers and the next generation learners goal for principals and assistant principals.

16 (30) "Student growth" is defined in KRS 156.557(1) (c).

17 (31) "Student growth goal" means a goal focused on learning, that is specific, appropriate, realistic, and
18 time-bound, that is developed collaboratively and agreed upon by the evaluatee and evaluator, and that
19 uses local formative growth measures.

20 (32) "Student growth percentile" is defined in 703 KAR 5:200, Section 1(11).

21 (33) "Student voice survey" means the~~[department-approved]~~ student perception survey **provided by**
22 **the department** that is administered annually to a minimum of one (1) district-designated group of
23 students per teacher evaluatee and provides data on specific aspects of the classroom experience and
24 professional practice of the teacher evaluatee.

1 (34) "Summative evaluation" is defined by KRS 156.557(1) (d).

2 (35) "Teacher" means a certified school personnel who has been assigned the lead responsibility for
3 student learning in a classroom, grade level, subject, or course and holds a teaching certificate under 16
4 KAR 2:010 or 16 KAR 2:020.

5 (36) "Working conditions survey goal" means a school improvement goal set by a principal or assistant
6 principal every two (2) years with the use of data from the department-approved working conditions
7 survey.

8 Section 2. Implementation Timeline. (1) During the 2014-2015 school year, all local districts shall fully
9 implement the requirements of KRS 156.557 and this administrative regulation for all certified school
10 personnel except other professionals, preschool teachers, and teachers of career and technical education
11 in area technology centers, and may, if the system plan is approved by the local board of education, use
12 the results from the system to inform personnel decisions. The use of a district's present evaluation plan,
13 in addition to the system, during the 2014-2015 school year, will comply with this administrative
14 regulation. During the 2014-2015 school year, the overall school and district accountability scores
15 described in 703 KAR 5:225 shall not include the results from the system.

16 (2) During the 2014-2015 school year, all school districts shall pilot the system for other professionals
17 and preschool teachers. During the 2014-2015 school year, school districts shall evaluate preschool
18 teachers and other professionals pursuant to the requirements of Section 13 of this administrative
19 regulation. Beginning in the 2015-2016 school year, all school districts shall fully implement the system
20 for other professionals and preschool teachers.

21 (3) Beginning in the 2015-2016 school year, all school districts shall fully implement the system for all
22 certified school personnel, use the system to inform personnel decisions for all certified school
23 personnel, and the overall school and district accountability scores described in 703 KAR 5:225 shall
24 include the results from the system.

Section 3. Approval of Local Professional Growth and Effectiveness System Plan and Procedures. (1)

Each local school district shall submit to the department a professional growth and effectiveness system plan and procedures to establish the district's evaluation system for all certified school personnel.

(2) The department shall approve each local school district's plan and procedures that comply with the requirements established in KRS 156.557 and this administrative regulation.

Section 4. Local Professional Growth and Effectiveness Policies. The local board of education shall establish a written policy for implementing the system for all certified school personnel in the district, consistent with the requirements of KRS 156.557 and this administrative regulation. The local board of education shall develop, adopt, and submit to the department for approval a policy for evaluation of the district superintendent, consistent with the requirements of KRS 156.557(6) and this administrative regulation.

Section 5. Local Evaluation Procedures and Forms. (1) A local evaluation committee shall develop, and the local board of education shall **review and adopt**~~[act upon]~~, system procedures and forms for the evaluation of certified school personnel positions.

(2) The local board of education shall **review and approve**~~[adopt]~~ procedures and forms that meet the requirements of KRS 156.557(5)(c) and include the requirements established in this subsection.

(a) The district may require the utilization of additional trained administrative personnel to observe and provide information to the evaluator.

(b) The district shall require a minimum of one (1) peer observation of a teacher evaluatee during the summative evaluation year, documentation of peer observations in the department-approved technology platform, and sharing the documentation with the teacher for formative evaluation purposes. At the request of a teacher, peer observations may be used in the formative process.

(c) Beyond the minimum observation requirements set forth in KRS 156.557 and this administrative regulation, the district may establish uniform requirements for the length, frequency, and nature of

- 1 observations conducted by an evaluator for the purpose of evaluation.
- 2 (d) The district shall require a teacher evaluator to conduct a minimum of three (3) observations of a
3 teacher evaluatee during the summative evaluation cycle and, at a minimum, one (1) full classroom
4 observation during the summative year and to document all observations in the department-approved
5 technology platform.
- 6 (e) The district shall require a principal evaluator to conduct a minimum of two (2) site visits each year.
- 7 (f) The district shall create a process for selection of peer observers.
- 8 (g) The district shall require a formative evaluation conference between the evaluator and the evaluatee
9 within five (5) working days following each observation by the evaluator.
- 10 (h) The district shall require the summative evaluation conference be held at the end of the summative
11 evaluation cycle and include all applicable system data.
- 12 (i) The district shall require summative evaluation, with multiple observations, to occur annually for
13 each teacher who has not attained continuing service status under KRS 161.740 or continuing status
14 under KRS 156.800(7) and may utilize the formative data collected during the beginning teacher
15 internship period, pursuant to 16 KAR 7:010, in the summative evaluation of an intern teacher.
- 16 (j) The district shall require multiple observations of a certified school personnel who has attained
17 continuing service status under KRS 161.740 or continuing status under KRS 156.800(7) and whose
18 observation results are determined to be ineffective.
- 19 (k) The district shall require summative evaluation at least once every three (3) years for a teacher who
20 has attained continuing service status under KRS 161.740 or continuing status under KRS 156.800(7).
- 21 (l) The district, upon the request of a teacher, may use peer observation data in the formative process.
- 22 (m) The district shall require summative evaluation annually for a certified administrator, assistant
23 principal, or principal.
- 24 (n) The district shall require a summative evaluation of a certified school personnel be documented in

1 writing and be included in the evaluatee's official personnel record.

2 (o) The district shall require documentation of a summative evaluation of a teacher, principal, and
3 assistant principal in the department-approved technology platform.

4 (p) All evidence used to produce a certified school personnel's overall performance rating shall be
5 included in the documentation of the summative evaluation~~[The district shall require inclusion of~~
6 ~~the overall performance rating sources of evidence in the documentation of a certified school~~
7 ~~personnel's summative evaluation].~~

8 (q) The district shall provide an opportunity for a written response by the evaluatee, and require the
9 response be included in the official personnel record.

10 ~~[(r) The district may develop and implement a peer assistance and review process.]~~

11 (3) The local board of education shall develop, adopt, and submit to the department for approval
12 procedures for evaluation of the district superintendent, consistent with the requirements of KRS
13 156.557(6) and this administrative regulation.

14 Section 6. Training and Testing of Evaluators and Observers. (1) The district shall include evaluation
15 and observation training in the district's system plan and procedures submitted to the department for
16 approval pursuant to Section 3 of this administrative regulation.

17 (2) The district shall ensure an evaluator meets the requirements of the district's system plan and
18 procedures prior to evaluating a certified school personnel.

19 (3) An evaluator shall be trained and tested and approved on a four (4) year cycle.

20 (4) Year one (1) of the district's evaluator training cycle shall include the following training
21 requirements:

22 (a) Training on all statutes and administrative regulations applicable to the evaluation of certified school
23 personnel;

24 (b) Training in identifying effective teaching and management practices, in effective observation and

1 conferencing techniques, in development of student growth goals, in providing clear and timely
2 feedback, in establishing and assisting with a professional growth plan, and in summative decision
3 techniques;

4 (c) Training provided by the department for all certified administrator evaluators who have never
5 evaluated certified school personnel. Other certified administrators who have not received training in the
6 skill areas listed in paragraph (b) of this subsection may also be trained by the department; and

7 (d) Training, for all other evaluators, by a provider who has been approved by the department as a
8 trainer for the Instructional Leadership Improvement Program established in 704 KAR 3:325.

9 (5) Year one (1) of the district's evaluator training cycle shall include the testing requirements
10 established in this subsection.

11 (a) An evaluator shall successfully complete testing of research-based and professionally accepted
12 teaching and management practices and effective evaluation techniques.

13 (b) The testing shall be conducted by the department or an individual or agency approved by the
14 department.

15 (c) The testing shall include certification as an observer through the department-approved observer
16 certification process for an evaluator who is observing teachers for the purpose of evaluation.

17 (6) The department shall issue year one (1) approval as an evaluator upon the evaluator's successful
18 completion of the required evaluation training and testing program and successful completion of
19 observer certification.

20 (7) Years two (2) and three (3) of the district's evaluator training and testing cycle shall include a
21 minimum of six (6) hours in each year and include:

22 (a) Observer recalibration training, in the department-approved technology platform, for all evaluators
23 who observe teachers for the purpose of evaluation; and

24 (b) Update training on professional growth and effectiveness statutes and administrative

regulations and training for evaluators on any changes to the Professional Growth and Effectiveness System and the district's certified evaluation plan, policies, or procedures[A ~~minimum of six (6) hours of evaluation training on any changes to the district's system plan, policies, or procedures, or to statutes or administrative regulations related to the evaluation of certified school personnel~~].

(8) Year four (4) of the district's evaluator training and testing cycle shall include refresher evaluator training and, if evaluating teachers, refresher observer certification training and testing.

(9) The district shall require peer observers to complete the department-developed peer observer training at least once every three (3) years.

(10) The district shall designate a contact person responsible for monitoring evaluator training and for implementing the system.

Section 7. Professional Practice Rating and Student Growth Rating for Teachers. (1) The district's professional practice rating form shall utilize The Framework for Teaching Evaluation Instrument, 2011 Edition, in conjunction with the Teacher Evaluation Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation and shall include the following:

(a) Planning and Preparation Domain. Components shall include: Knowledge of Content and Pedagogy, Demonstrating Knowledge of Students, Setting Instructional Outcomes, Demonstrating Knowledge of Resources, Designing Coherent Instruction, and Designing Student Assessments;

(b) Classroom Environment Domain. Components shall include: Creating an Environment of Respect and Rapport, Establishing a Culture of Learning, Managing Classroom Procedures, Managing Student Behavior, and Organizing Physical Space;

(c) Instruction Domain. Components shall include: Communicating with Students, Questioning and Discussion Techniques, Engaging Students in Learning, Using Assessment in Instruction, and Demonstrating Flexibility and Responsiveness; and

- 1 (d) Professional Responsibilities Domain. Components shall include: Reflecting on Teaching,
2 Maintaining Accurate Records, Communicating with Families, Participating in a Professional
3 Community, Growing and Developing Professionally, and Showing Professionalism.
- 4 (2) The district's professional practice rating evaluation form shall list, in each component, the
5 performance criteria that characterize effective teaching and apply to the teacher evaluatee.
- 6 (3) The district shall explain and discuss the professional practice rating domains, components, and
7 performance criteria, and the evaluation process with a teacher evaluatee no later than the end of the
8 evaluatee's first thirty (30) calendar days of reporting for employment each school year. Amendments to
9 local systems of teacher evaluation approved by the department after the end of the teacher's first thirty
10 (30) calendar days of the school year shall not apply to the teacher until the following school year.
- 11 (4) A professional practice rating evaluation form shall be specific to the teacher's job category.
- 12 (5) The evaluator shall utilize The Framework for Teaching Evaluation Instrument, 2011 Edition, in
13 conjunction with the Teacher Evaluation Crosswalk, in compliance with KRS 156.557 and the
14 requirements of this administrative regulation, to determine ratings for the teacher on each of the four
15 (4) domains.
- 16 (6) The evaluator shall use evidence from professional growth plans and self-reflection, observation, and
17 student voice surveys, in combination with professional judgment, to inform the teacher's rating on each
18 of the four (4) domains listed in subsection (1) of this section.
- 19 (7) The evaluator may, if included in the district's approved evaluation plan, use additional district-
20 determined sources of evidence to inform the teacher's professional practice rating.
- 21 (8) The evaluator shall utilize the following decision rules for determining the professional practice
22 rating for a teacher:
- 23 (a) If a teacher is rated ineffective in the classroom environment domain or in the instruction domain, the
24 teacher's professional practice rating shall be not be exemplary or accomplished;

- 1 (b) If a teacher is rated ineffective in the classroom environment domain and in the instruction domain,
2 the teacher's professional practice rating shall be ineffective;
- 3 (c) If a teacher is rated ineffective in any domain, the teacher's professional practice rating shall be
4 accomplished, developing, or ineffective;
- 5 (d) If a teacher is rated developing in two (2) domains and accomplished in two (2) domains, the
6 teacher's professional practice rating shall be accomplished;
- 7 (e) If a teacher is rated developing in two (2) domains and exemplary in two (2) domains, the teacher's
8 professional practice rating shall be accomplished; and
- 9 (f) If a teacher is rated accomplished in two (2) domains and exemplary in two (2) domains, the
10 teacher's professional practice rating shall be exemplary.
- 11 (9) The district shall determine the teacher's overall student growth rating as established in this
12 subsection.
- 13 (a) The student growth measure shall consist of a state contribution, when available, and a local
14 contribution.
- 15 (b) The Kentucky Board of Education shall determine the scale for low, expected, and high growth
16 regarding the state contribution and the department shall provide the scale to local school districts.
- 17 (c) Student growth goals shall be determined as established in this paragraph.
- 18 1. The teacher shall develop and implement a minimum of one (1) student growth goal each year.
- 19 2. Because individualized education plan (IEP) goals are student-specific, IEP goals may inform, but
20 shall not be used as, student growth goals.
- 21 3. The district shall ensure that student growth goals and measures of student growth are rigorous and
22 comparable across schools in the local school district.
- 23 (d) The local school district shall determine the scale for low, expected, and high student growth goal
24 ratings. In determining the scale, local school districts shall consider the definition of typical yearly

[student] growth contained in 703 KAR 5:200, Section 1(12).

(10) The local school district shall develop a process for using professional judgment and the following sources of evidence to determine the overall student growth rating:

(a) Growth trends consisting of the three (3) most recent years of student growth percentile data, as defined in 703 KAR 5:200, Section 1(11) [(9)], when available, for teachers; and

(b) Growth trends consisting of the three (3) most recent years of student growth goal data, when available, for all teachers.

Section 8. Overall Performance Category of Teachers. (1) The overall performance category for teachers shall be determined by combining the teacher's professional practice rating and the teacher's overall student growth rating, as illustrated by the Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of Teachers.

(2) The district shall determine the teacher's overall performance category with the decision rules established in this subsection.

(a) A teacher's overall performance rating shall be exemplary if:

1. The professional practice rating is exemplary and the overall student growth rating is high;
2. The professional practice rating is exemplary and the overall student growth rating is expected; or
3. The professional practice rating is accomplished and the overall student growth rating is high.

(b) A teacher's overall performance rating shall be accomplished if:

1. The professional practice rating is exemplary and the overall student growth-rating is low;
2. The professional practice rating is accomplished and the overall student growth rating is expected; or
3. The professional practice rating is developing and the overall student growth rating is high;

(c) A teacher's overall performance category shall be developing if:

1. The professional practice rating is accomplished and the overall student growth rating is low;
2. The professional practice rating is developing and the overall student growth rating is expected;

1 3. The professional practice rating is developing and the overall student growth rating is low; or

2 4. The professional practice rating is ineffective and the overall student growth rating is high.

3 (d) A teacher's overall performance category shall be ineffective if:

4 1. The professional practice rating is ineffective and the overall student growth rating is expected; or

5 2. The professional practice rating is ineffective and the overall student growth rating is low.

6 Section 9. Professional Growth Plan and Cycle for Tenured Teachers. A teacher shall be placed on an
7 appropriate [growth] plan and summative evaluation cycle based on the professional practice rating and
8 the overall student growth rating, as illustrated by the Kentucky Professional Growth Plan and
9 Cycle[Model] for Tenured Teachers.

10 (1) A teacher whose professional practice rating is exemplary or accomplished and who has an expected
11 or high overall student growth rating shall have a professional growth plan that includes: goals set by the
12 teacher, with evaluator input; activities that are teacher-directed and implemented with colleagues; a
13 formative review annually; and a summative evaluation that occurs at the end of year three (3) of the
14 evaluation cycle.

15 (2) A teacher whose professional practice rating is accomplished or exemplary, with a low overall
16 student growth rating, or developing, with a high overall student growth rating, shall have a professional
17 growth plan that includes: goals set by the teacher with evaluator input; if there is a low student growth
18 rating, one (1) goal shall focus on low student growth outcome; an annual formative review; and a
19 summative evaluation that occurs at the end of year three (3) of the evaluation cycle.

20 (3) A teacher whose professional practice rating is developing, with an expected overall student growth
21 rating, shall have a professional growth plan that includes: goals set by the teacher with evaluator input;
22 one (1) goal that addresses professional practice or student growth; activities that are teacher-directed
23 and implemented with colleagues; an annual formative review; and a summative evaluation that occurs
24 at the end of year three (3) of the evaluation cycle.

(4) A teacher whose professional practice rating is developing, with a low overall student growth rating, or whose professional practice rating is ineffective, with an expected or high overall student growth rating, shall have a professional growth plan that includes goals determined by the evaluator: goals shall focus on professional practice and student growth, include an annual formative review, and include a summative evaluation that occurs at the end of one (1) year.

(5) A teacher whose professional practice rating is ineffective, with a low overall student growth rating, shall have an improvement plan with goals determined by the evaluator: the goals shall focus on low performance areas and a summative evaluation shall occur at the end of the plan, whose duration is determined by the evaluator and may last up to one (1) year.

Section 10. Professional Practice Rating and Overall Student Growth Rating for Principals and Assistant Principals. (1) The district's professional practice rating form shall utilize the Principal and Assistant Principal Performance Standards and the Principal and Assistant Principal Performance Standards Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation, and shall include the performance standards and descriptors established in this subsection.

(a) Instructional Leadership Performance Standard. The evaluatee fosters the success of all students by facilitating the development, communication, implementation, and evaluation of a shared vision of teaching and learning that leads to student academic growth and school improvement.

(b) School Climate Performance Standard. The evaluatee fosters the success of all students by developing, advocating, and sustaining an academically rigorous, positive, and safe school climate.

(c) Human Resources Management Performance Standard. The evaluatee fosters effective human resources management by assisting with selection and induction and by supporting, evaluating, and retaining quality instructional and support personnel.

(d) Organizational Management Performance Standard. The evaluatee fosters the success of all students by supporting, managing, and overseeing the school's organization, operation, and use of resources.

(e) Communication and Community Relations Performance Standard. The evaluatee fosters the success of all students by communicating and collaborating effectively with stakeholders.

(f) Professionalism Performance Standard. The evaluatee fosters the success of all students by demonstrating professional standards and ethics, engaging in continuous professional learning, and contributing to the profession.

(2) The district's professional practice rating evaluation form for assistant principals and principals shall list, in each standard, the performance criteria that characterize professional effectiveness and apply to the evaluatee.

(3) The district shall explain and discuss the professional practice rating standards, indicators, and performance criteria, and the evaluation process to assistant principal and principal evaluatees no later than the end of the evaluatee's first thirty (30) calendar days of the school year. Amendments to local systems of certified personnel evaluation approved by the department after the end of an evaluatee's first thirty (30) calendar days of the school year shall not apply to the evaluatee until the following school year.

(4) The district's professional practice rating evaluation form shall be specific to the evaluatee's job category. The district, at its discretion, may utilize forms for pre- and post-evaluation conferences.

(5) The evaluator shall utilize the Principal and Assistant Principal Performance Standards and the Principal and Assistant Principal Performance Standards Crosswalk, in compliance with KRS 156.557 and the requirements of this administrative regulation, to determine ratings for an assistant principal or principal evaluatee on each of the performance standards.

(6) The evaluator shall use evidence from professional growth plans and self-reflection, the department-approved survey of perception of superintendents, district personnel, and teachers on principal practice; and the department-approved working conditions survey goal. The evaluator shall also use evidence from site visits, for principals only. The evaluator may, if included in the district's approved evaluation

- 1 plan, use additional district-determined sources of evidence to inform the evaluatee's rating on each of
2 the six (6) standards listed in subsection (1) of this section.
- 3 (7) The evaluator shall use the following decision rules to determine a professional practice rating:
- 4 (a) If the evaluatee is rated exemplary in at least four (4) of the standards and no standard is rated
5 developing or ineffective, the professional practice rating shall be exemplary;
- 6 (b) If the evaluatee is rated accomplished in at least four (4) standards and no standard is rated
7 ineffective, the professional practice rating shall be accomplished;
- 8 (c) If the evaluatee is rated developing in at least five (5) standards, the professional practice rating shall
9 be developing; and
- 10 (d) If the evaluatee is rated ineffective in two (2) or more standards, the professional practice rating shall
11 be ineffective.
- 12 (8) The overall student growth rating for principals and assistant principals shall be determined as
13 established in this subsection.
- 14 (a) The student growth measure for principals and assistant principals shall consist of a state
15 contribution and a local contribution.
- 16 (b) The state contribution for principals and assistant principals shall be based on the degree to which
17 the evaluatee meets the next generation learners goal. A principal's next generation learners goal shall
18 be the assistant principal's next generation learners goal as well.
- 19 (c) The local contribution for the student growth measure for principals and assistant principals shall be
20 a rating based on the degree to which the principal or assistant principal meets student growth goals.
21 Assistant principals shall share the principal's student growth goals.
- 22 (d) All principals and assistant principals shall develop and implement a minimum of two (2) student
23 growth goals each year, one (1) of which shall focus on school gap population data.
- 24 (e) One (1) goal shall address the needs outlined in the school's comprehensive school improvement

1 plan.

2 (f) One (1) goal shall be based on local student growth data.

3 (g) The district shall ensure that student growth goals are rigorous and comparable across schools in the
4 local district.

5 (h) The scale for low, expected, and high student growth goal ratings shall be determined by the local
6 school district. In determining the scale, local school districts shall consider the schools goals and
7 measures of success in the comprehensive school improvement plan required in 703 KAR 5:225,
8 Section 9.

9 (i) The district shall develop a process for using professional judgment and evidence from the following
10 sources of evidence to determine the overall student growth rating:

11 1. Growth trends over the three (3) most recent years of next generation learners student growth data,
12 calculated pursuant to 703 KAR 5:200; and

13 2. Growth trends over the three (3) most recent years of student growth goal data.

14 Section 11. Overall Performance Category of Principals and Assistant Principals. (1) The overall
15 performance category for principals and assistant principals shall be determined by combining the
16 principal or assistant principal's professional practice rating and overall student growth rating, as
17 illustrated by the Kentucky Professional Growth and Effectiveness System Model for Summative
18 Evaluation of Assistant Principals and Principals.

19 (2) The district shall determine the overall performance category for principals and assistant principals
20 with the decision rules established in this subsection.

21 (a) An evaluatee's overall performance category shall be exemplary if:

22 1. The professional practice rating is exemplary and the overall student growth rating is high;

23 2. The professional practice rating is exemplary and the overall student growth rating is expected; or

24 3. The professional practice rating is accomplished and the overall student growth rating is high.

(b) An evaluatee's overall performance category shall be accomplished if:

1. The professional practice rating is accomplished and the overall student growth rating is expected; or

2. The professional practice rating is developing and the overall student growth rating is high;

(c) An evaluatee's overall performance category shall be developing if:

1. The professional practice rating is exemplary and the overall student growth rating is low;

2. The professional practice rating is accomplished and the overall student growth rating is low;

3. The professional practice rating is developing and the overall student growth rating is expected; or

4. The professional practice rating is developing and the overall student growth rating is low.

(d) An evaluatee's overall performance category shall be ineffective if the professional practice rating is ineffective.

Section 12. Professional Growth Plan for Principals and Assistant Principals. The evaluator shall place an assistant principal or principal evaluatee on an appropriate professional growth plan based on the professional practice rating and the overall student growth rating, as illustrated by the Kentucky Professional Growth Plan **[Model]** for Assistant Principals and Principals.

(1) An evaluatee whose professional practice rating is exemplary, with an expected to high overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.

(2) An evaluatee whose professional practice rating is accomplished, with an expected to high student overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.

(3) An evaluatee whose professional practice rating is developing, with a high overall student growth rating, shall have, at a minimum, a professional growth plan with goals set by the evaluatee with evaluator input and a summative evaluation that occurs at the end of each school year.

(4) An evaluatee whose professional practice rating is developing, with a low to expected overall student

growth rating, shall have, at a minimum, a professional growth plan with goals determined by the evaluator and a summative evaluation at the end of each school year.

(5) An evaluatee whose professional practice rating is ineffective shall have, at a minimum, an improvement ~~a professional growth~~ plan with the goals determined by the evaluator and a summative evaluation at the end of the plan, as determined by the evaluator, not to exceed one (1) year in duration.

Section 13. Evaluation of Other Professionals and Preschool Teachers During the 2014-2015 School Year. (1) The district shall include, in its professional growth and effectiveness plan, a plan for the evaluation of other professionals and preschool teachers during the 2014-2015 school year.

(2) The district's procedures for other professional and preschool teacher evaluatees, whose evaluation cycle requires evaluation during the 2014-2015 school year, shall include the requirements established in this subsection.

(a) Beyond the minimum requirements set forth in this administrative regulation, the local district may establish requirements as to the length, frequency, and nature of observations conducted by an evaluator.

(b) The district shall require the evaluation to include a formative evaluation conference between the evaluator and the evaluatee within five (5) working days following each observation, the summative evaluation conference held at the end of an evaluation cycle that ends during the 2014-2015 school year, all evaluation data.

(c) The district shall require multiple observations to be conducted of an evaluatee who has earned continuing service status pursuant to KRS 161.740 and whose observation results are ineffective.

(d) The district shall require a summative evaluation to occur, if required by the evaluation cycle of the evaluatee.

(e) The district shall include the evaluation in the evaluatee's official personnel record.

(f) The district shall provide in the evaluation process an opportunity for a written response by the

1 evaluatee and shall include the response in the evaluatee's official personnel record.

2 (g) A copy of the evaluation shall be provided to the evaluatee.

3 (3) The evaluation form shall include a list of performance criteria. Under each criterion, specific

4 descriptors or indicators that can be measured or observed and recorded shall be listed. Additionally,

5 standards of performance shall be established for each criterion. The performance criteria shall include

6 those that are identified in KRS 156.557(4) applicable [~~that apply~~] to the evaluatee.

7 (4) The evaluation criteria and process shall be explained to and discussed with the evaluatee no later

8 than the end of the evaluatee's first thirty (30) calendar days of the 2014-2015 school year.

9 (5) An evaluative form shall be specific to each job category. The district, at its discretion, may use

10 forms for pre- and post-evaluation conferences.

11 (6) The district shall provide evaluatees an opportunity for an appeal to the local evaluation appeals

12 committee as outlined in Section 18 of this administrative regulation.

13 (7) An evaluatee who believes that the local district is not properly implementing the evaluation plan as

14 approved by the department shall have the opportunity to appeal to the Kentucky Board of Education as

15 outlined in Section 19 of this administrative regulation.

16 Section 14. Evaluation of Certified Administrators in the 2014-2015 School Year. (1) The district shall

17 include, in the professional growth and effectiveness plan, a plan for the evaluation of certified

18 administrators.

19 (2) Beyond the minimum requirements set forth in KRS 156.557 and this administrative regulation, the

20 local district may establish requirements as to the length, frequency, and nature of observations

21 conducted by an evaluator.

22 (3) The district shall require the evaluation to include a formative evaluation conference between the

23 evaluator and the evaluatee within five (5) working days following each observation, the summative

24 evaluation conference held at the end of the summative evaluation cycle, and the inclusion of all

professional growth and effectiveness data.

(4) The district shall document the certified administrator's summative evaluation decision, shall include documentation of the sources of evidence used in determining the performance rating of the evaluatee, and shall include these documentations in the evaluatee's official personnel record.

(5) The district shall provide an opportunity for a written response by the evaluatee, and the response shall be included in the evaluatee's official personnel record.

(6) A copy of the evaluation shall be provided to the evaluatee.

(7) The evaluation form for certified administrators shall include a list of performance criteria that characterize effective administrative practices.

(8) Under each criterion, specific descriptors or indicators shall be listed.

(9) The performance criteria shall include those that are identified in KRS 156.557(4) applicable ~~[that apply]~~ to the evaluatee.

(10) The evaluation criteria and process used to evaluate certified administrators shall be explained to and discussed with the evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of the school year.

(11) The district's evaluation form shall be specific to the evaluatee's job category. The district, at its discretion, may utilize forms for pre- and post-evaluation conferences.

(12) The district shall provide certified administrator evaluatees an opportunity for an appeal to the local evaluation appeals committee as outlined in Section 18 of this administrative regulation.

(13) An evaluatee who believes that the local district is not properly implementing the evaluation plan as approved by the department shall have the opportunity to appeal to the Kentucky Board of Education as outlined in Section 19 of this administrative regulation.

Section 15. District Evaluation Plan. (1) The local board of education shall review, as needed, the district's evaluation plan to ensure compliance with KRS 156.557 and this administrative regulation.

(2) If a substantive change is made to the district's evaluation plan, the local board of education shall utilize the evaluation committee, described in KRS 156.557(5)(c)1, in formulating the revision.

Examples of substantive change shall include changes in the evaluation cycle, observation frequency, forms, or appeal procedures.

(3) The local board of education shall review and approve revisions to the plan and submit the amended plan to the department for approval.

Section 16. Reporting. (1) Beginning in the 2014-2015 school year, districts shall report to the department the percentage of principals, assistant principals, and teachers in each overall performance category listed in Sections 8 and 11 of this administrative regulation and the percentage of teachers on each plan listed in Section 9 of this administrative regulation.

(2) The department shall publicly report, by district, the aggregate number of principals, assistant principals, and teachers in each overall performance category.

Section 17. Monitoring. A district implementing an alternative professional growth and effectiveness plan approved by the department pursuant to KRS 156.557(7) shall be monitored within three (3) years of the initial implementation of the alternative plan, and subsequently at the discretion of the department.

Section 18. Local Evaluation Appeals Panel. The district shall provide in its system plan, for an appeal to the local evaluation appeals panel, the following:

(1) A right to a hearing as to every appeal;

(2) An opportunity, five (5) days in advance of the hearing, for the evaluator and evaluatee to adequately review all documents that are to be presented to the local evaluation appeals panel; and

(3) A right to presence of evaluatee's chosen representative.

Section 19. State Evaluation Appeals Panel. (1) A certified school personnel who believes that the local district is not properly implementing the evaluation plan as approved by the department shall have the

1 opportunity to appeal to the Kentucky Board of Education.

2 (2) The appeal procedures shall be as established in this subsection.

3 (a) The Kentucky Board of Education shall appoint a committee of three (3) state board members to
4 serve on the state evaluation appeals panel (SEAP). The SEAP's jurisdiction shall be limited to
5 procedural matters already addressed by the local appeals panel related to~~or~~ the district's alleged
6 failure to implement an evaluation plan as approved by the department. The SEAP shall not have
7 jurisdiction of a complaint involving the professional judgment conclusion of an evaluation, and the
8 SEAP's review shall be limited to the record of proceedings and documents therein, or lack thereof, at
9 the local district level~~[and any documents submitted pursuant to paragraph (c) of this subsection]~~.

10 (b) No later than thirty (30) calendar days after the final action or decision at the local district level, a
11 certified school personnel may submit a written request to the chief state school officer for a review
12 before the SEAP. An appeal not filed in a timely manner shall not be considered. A specific description
13 of the complaint and grounds for appeal shall be submitted with the request.

14 (c) A brief, written statement, or other document that a party wishes to submit for consideration by the
15 SEAP shall be filed with the panel and served on the opposing party at least twenty (20) days prior to the
16 scheduled review.

17 (d) A decision of the SEAP shall be rendered within fifteen (15) working days after the review.

18 (e) A determination of district noncompliance with the local evaluation plan or absence of a district local
19 evaluation plan shall render the evaluation void, and the certified employee shall have the right to be
20 reevaluated.

21 Section 20. Incorporation by Reference. (1) The following material is incorporated by reference:

22 (a) "The Framework for Teaching Evaluation Instrument, 2011 Edition", May 2014;

23 (b) "Principal and Assistant Principal Performance Standards", May 2014;

24 (c) "Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of

- 1 Teachers", May 2014;
- 2 (d) "Kentucky Professional Growth and Effectiveness System Model for Summative Evaluation of
- 3 Assistant Principals and Principals", May 2014;
- 4 (e) "Teacher Evaluation Crosswalk", May 2014;
- 5 (f) "Principal and Assistant Principal Performance Standards Crosswalk", May 2014;
- 6 (g) "Kentucky Professional Growth Plan and Cycle [Model] for Tenured Teachers", June [May] 2014;
- 7 and
- 8 (h) "Kentucky Professional Growth Plan [Model] for Assistant Principals and Principals", June [May]
- 9 2014.
- 10 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the
- 11 Department of Education, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601,
- 12 Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

6-12-14
(Date)

Terry Holliday
Terry Holliday, Ph.D.
Commissioner of Education

6-12-14
(Date)

Roger L. Marcum
Roger L. Marcum, Chairperson
Kentucky Board of Education

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:370

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a statewide professional growth and effectiveness system, as required by KRS 156.557, for the evaluation and support and improvement of performance of all certified school personnel in school districts.

(b) The necessity of this administrative regulation: KRS 156.557 requires the agency to develop a framework for a statewide personnel evaluation system for all certified school personnel in school districts and to establish a statewide professional growth and effectiveness system for the evaluation and support and improvement of performance of all certified school personnel in school districts. This administrative regulation includes a framework for a statewide personnel evaluation system and establishes a uniform method of evaluation of certified school personnel in school districts.

(c) How this administrative regulation conforms to the content of the authorizing statute: As required by KRS 156.557, this administrative regulation establishes a uniform method of evaluation of certified school personnel in school districts.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets out the requirements for the uniform evaluation of certified school personnel, below the level of superintendent.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statute:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The administrative regulation will impact all schools and districts due to the implementation of a new certified school personnel evaluation system.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: School districts shall provide training and resources to school and district personnel to ensure consistent and accurate implementation of the requirements of the statewide evaluation system for certified school personnel.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs to current operations.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Evaluation of certified school personnel will lead to the support and improvement of the performance of all certified school personnel and promote the continuous professional growth and development of skills needed to be a highly effective teacher or administrator.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Any funds currently being spent in the local school district on teacher evaluation shall be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

(b) On a continuing basis: Any funds currently being spent in the local school district on teacher evaluation shall be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No, tiering does not apply because the requirements of this administrative regulation apply to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:370

Contact Person: Kevin C. Brown

Telephone: 564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All Kentucky public school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.557.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Any funds currently being spent in the local school district on teacher evaluation shall be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Any funds currently being spent in the local school district on teacher evaluation shall be redirected to address the requirements of KRS 156.557 and this administrative regulation. Local school districts should review how they use currently available state and federal grant funds (e.g. school improvement, Title I, Title II, Professional Development) for possible redirection to implementation of KRS 156.557 and this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**STATEMENT OF CONSIDERATION
RELATING TO 704 KAR 3:370
Professional Growth and Effectiveness System**

**Kentucky Department of Education
Office of Next Generation Learners
Division of Next Generation Professionals**

Amended After Comments

1. A public hearing was scheduled on the above regulation on May 22, 2014 at 10:00 a.m. Eastern Time, in the State Board Room, Kentucky Department of Education, 500 Mero Street, 1st Floor, Frankfort, Kentucky but was cancelled when no one registered to attend or attended the hearing.

2. The following individuals submitted written comments:

<u>Name and Title</u>	<u>Agency/Organization/Entity/Other</u>
David Baird, Interim Executive Director	Kentucky School Boards Association (KSBA)
Gina Truax Biever, Supervisor of Instruction	Hancock County Public Schools
Mary Ann Blankenship, Executive Director	Kentucky Education Association (KEA)
Nate Bordeaux, Supervisor of Instruction	Mercer County Public Schools
John Fogle, Staff Attorney	Kentucky School Boards Association (KSBA)
Chris Kindred, Supervisor of Instruction and Curriculum	Bourbon County Public Schools
Don Meade, Attorney	Jefferson County Teachers Association (JCTA)
Stephanie Winkler, President	Kentucky Education Association (KEA)

3. The following people from the promulgating administrative body responded to written comments:

<u>Name and Title</u>
Kevin C. Brown, General Counsel/Associate Commissioner, Office of Guiding Support Services
Dr. Amanda Ellis, Associate Commissioner, Office of Next Generation Learners
David Wickersham, Assistant General Counsel, Office of Guiding Support Services
Todd Davis, Assistant Director, Division of Next Generation Professionals
Kevin Stull, Branch Manager, Educator Effectiveness Branch, Division of Next Generation Professionals
Robin Chandler, Policy Advisor, Office of Next Generation Learners

Summary of Comments and Responses

(1) Subject Matter: Training Requirements for Evaluators

(a) Comment: A commenter stated concerns about the following language in Section 6 (7) (b) of the proposed regulation: "A minimum of six (6) hours of evaluation training on changes to the district's System plan, policies, or procedures, or to statutes or administrative regulations related to the evaluation of certified personnel". The commenter suggested that a minimum number of hours should not be stated because if only minimal changes are made to the district's Certified Evaluation Plan, the training needed would not require six hours. The commenter recognized that the agency's intent was to include recalibration in the six hours, but indicated that cited language does not clearly state that intent.

A commenter requested a narrowing and clarification of the six (6) hour requirement. The commenter stated that the training on changes in the plan should focus only on personnel affected by the changes. The commenter also suggested that a minimum of six (6) hours of evaluation training may be excessive. The commenter proposed that Section 6 (7) be amended to read as follows: "after consultation with the school district's designated evaluation plan contact, the superintendent shall direct that additional training be provided to affected evaluators as necessary to address changes in the district's plan, policy, procedures, or applicable statutes and regulations."

Those offering written comments related to training requirements for evaluators were Chris Kindred (Bourbon County Public Schools) and David Baird (KSBA)

(b) Response: The agency has carefully reviewed these thoughtful comments. The commenters are correct that Section 6 (7) is not clear. The Teacher Steering Committee recommended that evaluators be certified as observers and also recalibrate annually. The requirement for a minimum of six hours of training is the same requirement included in 704 KAR 3:345, the present version of the proposed regulation, which states, "[c]ontinued approval as an evaluator shall be contingent upon the completion of a minimum of twelve (12) hours of evaluation training every two (2) years." The requirement for a minimum of six (6) hours of update training is not new. To clarify that completing recalibration is intended to be included in the six (6) hour requirement, the agency will change Section 6 (7) to read, "(7) Years two (2) and three (3) of the district's evaluator training and testing cycle shall include a minimum of six (6) hours in each year to include: (a) Observer recalibration training, in the department-approved technology platform, for all evaluators who observe teachers for the purpose of evaluation; and (b) Update training on Professional Growth and Effectiveness statutes and regulations and training for evaluators on any changes to the Professional Growth and Effectiveness System and the district's certified evaluation plan, policies, or procedures." In response to the comment that only evaluators affected by changes should be required to have training on the changes, the agency offers, and will continue to offer, the following guidance: since the training in years two (2) and three (3) can be provided by the district, as long as the minimum content requirements in 704 KAR 3:370 are met, the district can determine, based on the needs of individual evaluators, the content of the remaining hours of the six (6) hour requirement. Guidance will also be provided that includes suggestions on how the update training can support the needs of evaluators as identified in their growth plans.

(2) Subject Matter: Alternative Programs

(a) Comment: A commenter requested that the regulation be amended to provide for a pilot process for alternative school teachers. Teachers in alternative programs are certified teachers and are subject to

704 KAR 3:370. The commenter indicated that students transition quickly in and out of a wide variety of alternative programs and that it is difficult to determine an appropriate student growth measure that takes into account these unique circumstances. The request from the commenter was to get system right for these educators who are working with a very different student population.

Submitting a written comment related to alternative programs was: Nate Bordeaux (Mercer County Public Schools).

(b) Response: The agency agrees that the evaluation of certified school personnel who work in alternative programs presents unique issues. From conversations prior to the public comment period with alternative program principals and Department of Juvenile Justice (DJJ) schools, concerns were raised regarding student growth, student voice, Val-Ed 360 and TELL KY results. Some alternative education programs will encounter no issues. In other alternative education program settings; each of these will create challenges. With the promulgation, in 2013, of 704 KAR 19:002, Alternative Education Programs, the agency has developed a framework to address issues in alternative programs. Districts must ensure that each alternative education program aligns with college and career readiness outcomes; is not limited in scope or design; and includes staff training to build the capacity of staff and administrators to deliver high-quality services and programming that conform with best practices and guide all students to college and career readiness. Each student in an alternative education program has an individual learning plan addendum (ILPA), which is an action plan that addresses the changed educational needs of the student based upon entry into and exit from an alternative education program.

The ILPA includes, as appropriate, the academic and behavioral needs of the student, criteria for the student's re-entry into a traditional program, and provisions for regular review of the student's progress throughout the school year. Through 704 KAR 19:002, the agency will continue to provide guidance and support to alternative programs around student growth, student voice, Val-Ed and TELL data. No amendments have been made in response to this comment.

(3) Subject Matter: Implementation Timeline

(a) Comment: A commenter shared that administrators in the commenter's district are concerned about the timeline for the implementation of the proposed regulation. Another commenter requested that the agency consider implementation of the new system on a one-year pilot basis, if such a pilot would not jeopardize Kentucky's NCLB waiver request. Those providing comments regarding the implementation timeline were: Gina Truax Biever (Hancock County Public Schools) and David Baird (KSBA)

(b) Response: The agency appreciates these thoughtful comments about implementation. The timeline for implementation cannot be modified and no changes have been made in response to these comments. HB 180 (2013), codified as KRS 156.557, requires that prior to the beginning of the 2014-2015 school year, the Kentucky Department of Education, in consultation with the Kentucky teacher and principal steering committees and other groups deemed appropriate by the commissioner of education, shall develop a framework for a statewide personnel evaluation system. The Kentucky Board of Education shall promulgate administrative regulations to establish a statewide professional growth and effectiveness system for the purposes of supporting and improving the performance of all certified school personnel. This legislation aligned with the requirements of Kentucky's federal No Child Left Behind (NCLB) waiver. Kentucky requested an extension to permit a delay in the use of the PGES for personnel decisions and school and district accountability. In January 2014, the United States

Department of Education granted Kentucky this extension. Beginning in the 2015-2016 school year, all districts must fully implement the PGES for all certified school personnel and use the system for personnel decisions. Results from the PGES will also be included in the overall school and district accountability scores. Another delay in implementation, to introduce a one-year pilot of the PGES, would not only jeopardize the NCLB waiver and conflict with the intent of HB 180 (2013), but also indicates a lack of support for the five years spent developing the system.

(4) Subject Matter: Consideration of Waiver Requests

(a) Comment: A commenter requested that the agency fully consider waivers from the new system due to the additional requirements contained in the PGES.

Providing written comments on the consideration of waiver requests was: David Baird (KSBA).

(b) Response: KRS 156.557 provides that:

Local districts may submit a written request to use an alternative effectiveness and evaluation system to the Kentucky Board of Education. The Kentucky Board of Education shall consider and approve a local district's use of an alternative effectiveness and evaluation system instead of the statewide system only if the Kentucky Board of Education determines the alternative system:

- (a) Is as rigorous, reliable, valid, and educationally sound as the statewide professional growth and effectiveness system;*

- (b) Uses multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district;*

- (c) Includes both formative and summative evaluation components;*

- (d) Measures professional effectiveness;*

- (e) Supports professional growth;*

- (f) Has at least three (3) performance levels;*

- (g) Is used to inform personnel decisions; (h) Is considerate of the time requirements of evaluators at the local level and does not require that all certified school personnel have a formal summative evaluation each year; and*

- (i) Rates teachers and administrators by multiple measures instead of a single measure.*

Districts have already used this waiver provision. On April 9, 2014, the Kentucky Board of Education granted a prospective waiver to Kenton County Public Schools to implement an alternative system, relying on this statutory grant of authority. The agency will continue to evaluate waiver requests as prescribed by statute. Because this comment addresses the exercise of the waiver provision contained in KRS 156.557, and did not request an amendment to the regulation, no change has been made in response to the comment.

(5) Subject Matter: Training to Implement the PGES

(a) Comment: A commenter reported that administrators in the commenter's district identified lack of training to implement the system and concerns about how that issue will impact the consistency and fidelity of implementation across the state.

Those submitting written comments regarding training to implement the PGES were: Gina Truax Biever (Hancock County Public Schools).

(b) Response: The agency appreciates this thoughtful comment, which focuses on successful implementation. Based on recommendations from the Teacher Steering Committee, KDE's Office of Next Generation Learners has responded to feedback and provided necessary tools for districts to succeed in writing evaluation plans. Regional work sessions were conducted in the educational cooperatives to explain exactly what steps districts must take, and a Model Certified Education Plan (CEP) has gone through four iterations based on field feedback. Dates for the regional work sessions were shared with superintendents in the commissioner's January 2014 webcast. The agency will conduct a PGES simulcast, on July 21, 2014, for all regions. In addition to the training led by the agency, the Kentucky Education Association, Kentucky Association of School Superintendents, the Kentucky Association of School Councils, and the educational cooperatives have hosted or will be hosting summer conferences with PGES as an element of the training. The Kentucky Association of School Administrators will continue to provide training modules.

The Model Certified Evaluation Plan (CEP) 4.0 reflects feedback that has been obtained through these outreach efforts. Professional Growth and Effectiveness coaches are located in each educational cooperative region to assist districts in implementing the PGES and in writing the CEP for submission to the agency. A PGES consultant has been funded by the agency in each region to provide just-in-time support. The PGES coaches have led training tailored specifically to districts. Once the CEP is received, the agency is providing feedback on the plan.

Since certification and recalibration of observers is critical to the validity and reliability of observation, and this requirement is new to evaluators in Kentucky, beginning in July 2013, KDE partnered with the Kentucky Association of School Administrators (KASA) and Battelle for Kids to develop and deliver a yearlong professional learning experience for school leaders, focused on implementing the PGES through the Kentucky Leadership Academy (KLA). KLA provided principals with "just-in-time" support throughout the statewide pilot on issues such as observation and providing quality feedback. KLA and Battelle collaborated to create a social media site for KLA participants. This platform is managed by principals across the state and includes at least one representative from each region. The KLA platform continues to provide daily support for principals regarding the Teacher Professional Growth and Effectiveness System (TPGES) and the Principal Professional Growth and Effectiveness System (PPGES).

The agency has also provided other implementation support.

A Peer Observer Course was developed through a collaboration between KDE and Kentucky Educational Television (KET). Educators have found the course useful for learning more about the Framework for Teaching, providing quality feedback, and getting the most from the peer observation process. The Peer Observation Course consists of three modules that can be completed in a self-paced manner, and takes approximately three hours to complete. Upon completion, a certificate is awarded by KET. KDE provides PD 360 in CIITS, which is free professional learning activities aligned with the domains and with the PGES.

To support implementation, the agency has created resources on student growth. These resources can be found on the agency's website. Information about those resources has been distributed through the Commissioner's Fast Five and Monday emails, the PGES webcasts, regional trainings, and through the Instructional Supervisors Network newsletters and webcasts.

Because the agency has long been actively engaged in providing training and support to implement the PGES, no changes have been made in response to this comment.

(6) Subject matter: Student Growth

(a) Comment: A commenter noted that student growth is one of the most critical attributes of the PGES. The commenter also cited the complexities of student growth related to varying content and grade levels of teachers, and the fact that some teachers have state-contributed student growth and some do not. Those providing comments regarding student growth concerns were: Gina Truax Biever (Hancock County Public Schools).

(b) Response: The agency welcomes this thoughtful comment. As the commenter stated, some districts have expressed concern about the student growth provisions of the proposed regulation. KRS 156.557 requires that student growth data be used as "a significant factor in determining the effectiveness of teachers and administrators." This statutory requirement aligns with the requirements of the federal No Child Left Behind (NCLB) waiver. The PGES outlines two types of student growth, a state contribution and a local contribution. Only those teachers who have state assessment data for grades four (4) through eight (8) in reading and mathematics will have a state contribution to be considered with multiple sources of evidence for student growth. Every teacher will have a local contribution as student growth evidence.

As noted previously, the agency has created specific resources on student growth. The resources can be found on the agency's PGES website. Information about those resources has been distributed through the Commissioner's Fast Five and Monday emails, the PGES webcasts, regional trainings, and through the Instructional Supervisors Network newsletters and webcasts. Also, each cooperative region has a PGES consultant assigned to assist member districts with implementation.

The agency is providing guidance to districts related to comparability and rigor across schools in a district. The guidance explains that the local contribution to student growth is a measure designed to account for the complexities of teaching and learning. Student Growth Goals provide a common framework of measuring growth for all teachers, including those in non-tested grades and subjects. Student Growth Goals incentivize the positive practices of setting empirically-based goals for each student (or class), monitoring progress over time, and assessing the degree to which students met the intended outcomes. Additionally, Student Growth Goals allow the instructional sensitivity of assessment to be enhanced by relying on exercises and scoring criteria linked directly to the teacher's specific instructional targets (informed, of course, by the Kentucky Core Academic Standards).

Rigor and comparability are determined by the degree to which: The student growth goal is congruent with the Kentucky Core Academic Standards and appropriate for the grade level and content area for which it was developed; The student growth goal represents or encompasses an enduring skill, process, understanding, or concept that students are expected to master by taking a particular course (or courses)

in school; The student growth goal will allow high-achieving and low-achieving students to adequately demonstrate their knowledge; and The focus of the student growth goal provides access and opportunity for all students, including those with disabilities, ELLs, and who are gifted/talented.

To fulfill the criteria of measuring student growth at the local level, a protocol must be established to ensure that rigorous and comparable growth measures are used for all teachers. This protocol must be articulated in the district's Certified Evaluation Plan. There are three options from which districts may choose to ensure rigor and comparability of student growth goals: A commonly applied rubric used to assess the rigor and quality of a goal (KDE has published a model rubric for districts to consider); A commonly applied peer-review and/or jury process; or other district-determined.

The guidance provided by the agency notes that since the requirement to use the PGES for personnel decisions has been extended to the 2015-2016 school year, districts have this school year to plan for and implement student growth goals, without consequences. The agency will collect best practices for implementation and share those statewide.

In response to concerns about the variety of settings where student growth would be applicable as a measure, 704 KAR 3:370 allows for a pilot in 2014-2015 for those defined as other professionals (certified school personnel, not including teachers, administrators, assistant principals, or principals). During that pilot, issues related to student growth for other professionals will be investigated and guidance will be provided to districts.

No amendments have been made in response to this comment. In reviewing this comment, the agency identified the omission of the word "student" from the definition of "Overall growth rating" and will make a corrective amendment.

(7) Subject matter: Student voice and issues with Infinite Campus

(a) Comment: A commenter stated that there have been issues with Infinite Campus (IC) and the administration of student voice. However, the commenter did not provide details.

Providing comments regarding infinite campus and student voice concerns was: Gina Truax Biever (Hancock County Public Schools).

(b) Response: The agency appreciates this comment regarding implementation. Through a continuous improvement process, KDE has identified issues within IC that have caused the greatest concerns for schools and districts relative to the student voice survey during field test and pilot years. The agency's Student Voice Team is actively working to determine the best possible solutions. Staff is researching ways to improve the efficiency of the student voice survey administration in the 2014-2015 school year.

No amendments have been made in response to this comment, which did not indicate what action the commenter wished the agency to take.

(8) Subject Matter: Funding/Costs of Implementation

(a) Comment: A commenter stated that the implementation timeline should be delayed due to a lack of funding for implementation. The commenter outlined examples of requirements in 704 KAR 3:370 such as: more observations required (4 observations required in the summative cycle), peer observations, student growth and professional practice ratings, elimination of the ability for the evaluator to select a third party observer, student voice, documentation of requirements, and training requirements as creating additional demands on districts. Those providing comments regarding funding/costs of implementation were: Gina Truax Biever (Hancock County Public Schools) and David Baird (KSBA)

(b) Response: The agency appreciates these comments and has carefully considered the cost of implementation. The PGES is a funded mandate required by state law (HB180 (2013)) and the federal No Child Left Behind (NCLB) waiver. Funding will be provided through the increase of Flex Focus Professional Development dollars and the redirection of Title II dollars. Additionally, the agency is providing substantial savings for professional learning through the Continuous Instructional Improvement Technology System (CIITS), PD 360, and common templates in the Education Development Suite (EDS) of CIITS.

Title II, Part A funds are provided to districts to increase student academic achievement through strategies such as improving teacher and principal effectiveness and increasing the numbers of effective teachers in the classroom and effective administrators in schools. Districts must ensure that professional learning paid for with Title II, Part A funds is also aligned with needs identified through the Consolidated School Improvement Plan (CSIP) and/or the Consolidated District Improvement Plan (CDIP), the TELL KY survey, and student assessments. Title II must also be evaluated for effectiveness of implementation.

The agency recently inquired of the U.S. Department of Education regarding the possible use of Title II, Part A funds to support the PGES. Normally, the use of federal funds to support a state requirement would be considered supplanting, or replacing, that requirement. However, because HB 180 (2013) was enacted as a result of the flexibility granted to Kentucky for NCLB, this is an allowable expenditure for Title II, Part A.

Accordingly, districts may use Title II, Part A funds to pay for principal certification, calibration and recertification through Teachscape. Although funds can be used for principal certification through Teachscape, they cannot be used to cover the costs of the Val-Ed 360 survey.

Schools and districts may pay peer observers a stipend or bonus using Title II funds. Title II funds can be used to help defray the cost of substitutes (to cover release time for observations). However, Title II funds may not be used to pay the peer observer for additional time to input data which would be part of their regular peer observer work. This cost should be addressed in the school and district policy.

Title II funds may be used to support professional learning opportunities that improve teacher and leader effectiveness. Some other related costs, such as travel, may be allowable: districts can contact their KDE Title II consultant for assistance in making this determination. A listing of the agency's consultants by district, as well as additional guidance and resources for the use of Title II, Part A funds, can be found on the agency's webpage.

No amendments have been made in response to these thoughtful comments.

(9) Subject matter: Administrative Time

(a) Comment: A commenter stated that even though the administrators in their district love the instructional focus required through the PGES and the fact that principals will be in classrooms focusing on instruction, there are other aspects to a principal's job that will be unfulfilled due to PGES implementation. The commenter suggested that since many principals do not have assistants, the time necessary to implement PGES will be an issue.

A commenter stated that the removal of language from 704 KAR 3:345, Section 4 (2) (a), allowing the evaluator to select a third party observer, is of concern related to the demands on administrator's time. A commenter stated that KRS 156.557 (3) (g) mandates that the new evaluation system established by 704 KAR 3:370 is to "be considerate of the time requirements of evaluators at the local level" and suggested that the regulation is not. Those providing comments regarding the consumption of administrative time were: Gina Truax Biever (Hancock County Public Schools) and David Baird (KSBA)

(b) Response: The agency has carefully considered concerns regarding administrators, especially principals, related to implementation of the PGES and has worked to minimize administrative burdens. For example, 704 KAR 3:370 Section 5 (2) (a) states, "[t]he district may require the utilization of additional trained administrative personnel to observe and provide information to the evaluator." This provision of the proposed regulation is intended to assist principals in the collection of data for the summative evaluation. Also, the agency has been collecting best practices being used across the state and sharing those with administrators. Principals can utilize the professional learning community (PLC)/team structures already in place to help with the development of student growth goals and professional growth planning. New PLCs can be formed based on similar professional growth plans to alleviate the number of individual meetings. Also, districts determine the type of observations required. For example, observations may consist of mini observations and one full observation. A district has the flexibility to balance the requirements of the PGES based on the capacity of the district.

In the predecessor regulation, the selection of a third party observer was at the request of the teacher, not the administrator. Relying on teachers to select a third-party observer did not ensure a time savings for the administrator. This language remains in KRS 156.557. Section 5 (2) (a) of the proposed regulation provides an option for districts, and can provide relief to the administrator. No amendment has been made in response to this comment.

(10) Subject Matter: Superintendent Evaluation

(a) Comment: A commenter stated that the inclusion of superintendent evaluation references in the regulation is unnecessary and may cause confusion since requirements for superintendent evaluation are included in KRS 156.557. The commenter also asserted that the inclusion of superintendents in the regulation exceeds the scope of the agency's authority. Those providing written comments regarding superintendent evaluation were: David Baird (KSBA).

(b) Response: The agency appreciates and has carefully considered this thoughtful comment. KRS 156.557 (2) specifically states that "the Kentucky Board of Education shall promulgate administrative regulations to establish a statewide professional growth and effectiveness system for purposes of supporting and improving the performance of all certified school personnel." [emphasis added] The system shall promote the continuous professional growth and development of skills needed to be a highly effective teacher or highly effective administrator in a school or district.

The agency has concluded that this language creates a specific obligation for the agency to make some regulatory provision for the evaluation of superintendents. The agency has, consistent with the letter and spirit of KRS 156.557, provided for significant leeway in the evaluation of superintendents by local boards of education, while making it clear that such evaluations must be consistent with statute and focused upon supporting and improving the performance of superintendents.

No amendment has been made in response to this comment.

(11) Subject Matter: Board Authority To Approve Plans and Forms

(a) Comment: A commenter noted that the so-called 50/50 committee develops evaluation forms and procedures, and stated that "forms and procedures" are coextensive with the evaluation "plan". The commenter added that the common practice in Kentucky has been that boards of education take action to approve the evaluation plan. The commenter stated that, contrary to the statement contained in the proposed regulation, school boards review [emphasis in original], but do not "adopt" school board procedures. The commenter stated that the longstanding practice has been for school boards to "approve" the statutorily mandated evaluation "plan" developed by the 50/50 committee, and that the statutory framework regarding this matter has not changed. The commenter suggested that Section 5 (2) be modified to reflect that boards "approve" rather than "adopt" the procedures and forms (effectively the "plan") to avoid confusion regarding the board's oversight role relating to plan documents that are developed by the 50/50 committee.

A commenter stated that the work of the 50/50 committee, consistent with KRS 156.557, the prior regulation, and past practice, has been to develop, design, or change the District Evaluation Program. The commenter stated that the role of the local board is to review for compliance and then approve. The commenter stated that the board's function is not accurately described by the phrase "shall act upon" in Section 5 (1) and that the ambiguity could lead to conflict and misrepresentation regarding the role of the local board. The commenter proposed that Section 5 (1) be revised to read "[t]he local evaluation committee shall develop, and the local board of education shall review and approve system procedures and forms for the evaluation of certified school personnel positions." The commenter suggested that the use of the words "review and approve" in the new Section (5) would be consistent with other references which define the role of the local board of education.

A commenter stated that section 5 (1) correctly recognizes that a local evaluation committee shall develop, and the local board of education shall act upon, system procedures and forms for the evaluation of certified school personnel positions. The commenter stated that Section 5, and subsection 5 (2) specifically, appear, incorrectly, to give a local board significant independent authority over evaluation procedures and forms. The commenter stated that a local board does not have the power to veto or ignore the evaluation forms and procedures developed by an evaluation committee, or to develop and adopt its own evaluation forms and procedures independent of the committee. The commenter concluded that the proposed regulation cannot restrict the statutory authority of a local evaluation committee or delegate the committee's authority to local boards. This commenter proposed the deletion of Section 5 (2) because of inconsistency with Section 5 (1), KRS 156.557 (5) (c), and Section 15 of the proposed regulation, or, in the alternative, the reworking of Section 5 (2) to clarify that the subsections of Section 5 (2) apply to local evaluation committees and not to local boards. Additionally, this commenter requested that Section 15 (2) be expanded to explicitly require a local board to use the services and resources of the local evaluation committee if the local board determines that its evaluation

plan does not comply with KRS 156.557. Finally, this commenter requested substantial revision of Section 15 (3) to state that a local board must submit a compliance plan to the department, and return revisions to the 50/50 committee for additional study and amendment.

Those offering written comments on authority regarding evaluation forms and evaluation procedures were: David Baird (KSBA), Don Meade on behalf of the Jefferson County Teachers Association (JCTA), and Stephanie J. Winkler and Mary Ann Blankenship (KEA.)

(b) Response: The agency has carefully considered these comments, which were not wholly congruent. Each comment sought changes to Section 5 of the proposed regulation. One comment also proposed changes to Section 15.

Two of the three commenters agreed that the proposed regulation should clarify that the role of the local board, regarding the statutorily prescribed committee comprised of an equal number of teachers and administrators and charged with developing evaluation forms and procedures, is to review and approve evaluation forms and procedures. One commenter proposed that this change be made in Section 5 (2); another commenter suggested that this revision be made to Section 5 (1).

One commenter explicitly objected to the phrase "shall act upon" in Section 5 (1) as not accurately characterizing the local board's function. One commenter explicitly endorsed the phrase "shall act upon" in Section 5 (1) as consistent with Section 15. This commenter proposed the deletion of Section 5 (2) or, in the alternative, a redrafting of that section.

The Teacher Steering Committee recommended local boards establish an annual review for implementation and that school districts ensure that timelines are followed, appropriate forms are used and time is created to allow for full implementation of the PGES.

To remove ambiguity within Section 5, and to ensure consistency between Section 5 and Section 15, which describes the role of the board's role as "review and approve", and also clarifies that local boards are to use the 50/50 committee to formulate plan revisions, the agency will amend the regulation as follows:

Section 5 (1) will read "[t]he local evaluation committee shall develop, and the local board of education shall review and approve system procedures and forms for the evaluation of certified school personnel positions."

Section 5 (2) will read "[t]he local board of education shall review and approve procedures and forms that meet the requirements of KRS 156.557(5) (c)..."

No changes will be made to Section 15, with which Section 5 is now consistent.

(12) Subject Matter: Evaluator authority in the development of goals and plans

(a) Comment: A commenter expressed that 704 KAR 3:370 undermines the statutory authority of evaluators and supervisors to provide meaningful supervision to target instructional improvement or unprofessional conduct and to implement meaningful processes to be used if corrective actions are necessary in relation to the performance of assignments. The commenter cited KRS 160.290, which

gives boards of education authority regarding the qualifications and duties of employees. The commenter cited KRS 160.370 and KRS 160.390 in support of the assertion that superintendents have the general supervision of schools and that the regulation usurps that authority. The commenter cited KRS 160.345 for the proposition that the principal shall be the instructional leader in an SBDM school and 703 KAR 5:225 and KRS 158.649 for the responsibilities of administrators in school improvement.

The commenter stated that KRS 157.556 requires the implementation of a meaningful process to be used when corrective actions are necessary in relation to the performance of assignments. The commenter expressed concern that, under the proposed regulation, supervisors will not have the final authority to require that growth plan goals conform to the targets in the school or district improvement plans or to address unprofessional conduct. The commenter also expressed concern that districts will be unable to ensure comparability across schools within districts without the authority to resolve disagreements after collaborative efforts at goal setting are exhausted. The commenter requested the following changes to the regulation:

The modification of the definition of professional growth plan to reflect "the plan shall be produced in collaboration with the evaluator with the latter having final authority to establish the plan in the event of a disagreement." The student growth goals definition should be modified to reflect the same grant of authority.

Because the district has to ensure rigor and comparability across schools, evaluators need to be given authority regarding student growth goals if the district is to be held to a comparability standard.

The section of the regulation that discusses the development of the teacher's student growth goals should be modified to allow the evaluator to determine growth goals without collaboration of the lowest performing teachers. The same modification should apply to the development of principal student growth goals.

The commenter stated that these changes would correct a disconnect between the statutes related to the supervisory authority of evaluators.

Those providing written comments regarding evaluator authority in the development of goals and plans were: David Baird (KSBA).

(b) Response: The agency appreciates these comments and agrees that, to clarify evaluator roles, some amendments are appropriate. The Professional Growth Plan definition aligns with the 704 KAR 3:035, Annual Professional Development Plan, and supports professional learning as a collaborative process driven by the needs of the evaluatee. Accordingly, this definition will not be amended. However, some clarity can be provided around professional development plans and improvement plans.

The agency does not agree that the authority of the evaluator is compromised by the proposed regulation. As outlined in Section 9 (1) (d) and (e), if a teacher's professional practice rating is developing, with low student growth, or ineffective, with expected or high student growth, the teacher shall have a professional growth plan with goals, **determined by the evaluator**, that focus on professional practice and student growth. The evaluatee will have a formative review each year with a summative evaluation that occurs at the end of one (1) year. A teacher whose professional practice rating is ineffective, with low student growth, will have an improvement plan, with goals **determined by the evaluator**. The goals shall focus on low performance areas and a summative evaluation is

conducted at the end of the plan. The duration of the plan is **determined by the evaluator** and may last up to one (1) year. Pursuant to Section 12 (1) (d) and (e) of the proposed regulation, if a principal or assistant principal's professional practice rating is developing, with low to expected student growth, the principal or assistant principal shall have a professional growth plan with goals **determined by the evaluator**, and a summative evaluation at the end of each school year. If a principal or assistant principal's professional practice rating is ineffective, no matter the student growth rating, the principal or assistant principal will have a professional growth plan with goals **determined by the evaluator**, and a summative evaluation at the end of the plan. The duration of the plan shall not exceed one year. These sections of the proposed regulation show that evaluators maintain authority over the plans and goals of teachers, principals and assistant principals who are determined to be ineffective, with low student growth.

In reviewing the proposed regulation in response to this comment, the agency detected an error. In Section 12 (1) (e), the term "professional growth plan", and not "improvement plan" is incorrectly used. To mirror the intent and the plan for teachers in Section 9 (1) (e), a definition of improvement plan will also be added, at the request of the commenter, to provide clarity and the statement in Section 9 (1) (e) will now reference an "improvement plan" rather than a "professional growth plan". The following additional changes will be made:

On page 16, line 14, the word "growth" will be removed; the statement will read, "A teacher shall be placed on an appropriate plan and summative evaluation cycle based on the professional practice rating and the overall student growth rating".

On page 22, lines 7 and 8, language will be modified to match the language of the teacher plan and will read, "The evaluator shall place an assistant principal or principal on an appropriate plan based on the professional practice rating and student growth overall rating."

On page 23, lines 4 and 5, language will be modified to read, "an evaluatee whose professional practice rating is ineffective, shall have, at a minimum, an improvement plan with goals determined by the evaluator."

A definition of improvement plan will be added to Section 1 of the regulation and will read, "'Improvement Plan' means a plan for improvement of up to twelve months in duration for teachers who are rated ineffective in professional practice and have a low overall student growth rating and for principals who are rated ineffective in professional practice and have a high, expected or low overall student growth rating."

In the Kentucky Professional Growth Plan Model for Tenured Teachers graphic, the title will be changed to Kentucky Professional Growth Plan and Cycle for Tenured Teachers to align with the document incorporated by reference.

In the top left-hand box of the Kentucky Professional Growth Plan Model for Tenured Teachers graphic, the phrase, "summative evaluation at the end of year three (3)" will be added to the bulleted list. The same will be done in the center middle and far right boxes.

In the Professional Growth Plan Model for Assistant Principals and Principals, the title will be changed to Professional Growth Plan for Assistant Principals and Principals.

(13) Subject Matter: Evaluation Cycle

(a) Comment: A commenter stated that the evaluation cycle for non-tenured teachers needs to be clarified. The regulation states that a summative evaluation for tenured teachers occurs at the end of year three (3), but does not clarify that non-tenured teachers are evaluated annually, as is stated earlier in the proposed regulation. Providing comments on the evaluation cycle was: David Baird (KSBA).

(b) Response: To clarify that non-tenured teachers are to be evaluated each year, as stated in Section 5 (2) (i), an amendment will be made in the Section 9 heading to clarify that the section is describing the Professional Growth Plan and Cycle for "Tenured" teachers.

(14) Subject Matter: State Evaluation Appeals Panel Jurisdiction

(a) Comment: A commenter suggested that, for clarity, the agency should reconfigure language that establishes the State Evaluation Appeals Panel's (SEAP's) jurisdiction to consider whether a district failed to implement an evaluation plan as approved by the agency.

The commenter also recommended the removal of a phrase regarding the review of submitted documents to avoid confusion and to clarify that an aggrieved evaluatee is not permitted to raise issues for the first time, before the SEAP, when such issues were not presented on the record below. Those providing written comments regarding SEAP jurisdiction were: David Baird (KSBA).

(b) Response: The agency has carefully considered these thoughtful comments and agrees with the commenter that clarifications are appropriate. The agency will relocate text as suggested by the commenter as follows: the second sentence of Section 19 (2) (a) will be amended to read, "The SEAP's jurisdiction shall be limited to procedural matters already addressed by the local appeals panel related to the district's alleged failure to implement an evaluation plan as approved by the department." The subsequent sentence shall be amended to omit reference to documents submitted pursuant to paragraph (c) of the subsection.

(15) Subject Matter: Conferences

(a) Comment: Commenters stated that the proposed definition for "conference" does not mention pre-observation conferences or conferences that are initiated by an evaluated educator. Commenters advised that "conference" is a two-way street and not just an opportunity for an evaluator to criticize or direct work. Commenters also suggested that pre-conferences be mandated.

Those providing written comments regarding the definition of conference were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency appreciates the comment relating to the definition of conference. The guidance provided to districts related to conferencing has been that best practice suggests that a pre-observation conference be held, but districts determine if pre-observation conferences will be required. The agency has provided this guidance due to the statutory requirement in KRS 156.557 (3) (g) that the PGES shall "be considerate of the time requirements of evaluators". A required pre-conference before each observation would add significant time for evaluators. The regulation will not be amended to mandate pre-conferences. However, the agency will continue to provide guidance about the importance of pre-conferencing and offer suggestions how this can be accomplished in an efficient way.

The definition of conference will be modified. Section 1 (5) will now read, "Conference' means a meeting between the evaluator and the evaluatee for the purpose of providing feedback, analyzing the results of an observation or observations, reviewing other evidence to determine the evaluatee's accomplishments and areas of growth, and leading to the establishment of a professional growth plan."

(16) Subject Matter: Observations

(a) Comment: Commenters stated that the use of "certified observer" in Section 1(12) is confusing. The commenters stated that it is not clear if certified observer means certified by the Education Professional Standards Board through KRS 161.020 or certified through the observer certification and recalibration processes outlined in Section 6 of the proposed regulation.

These commenters also stated that the definition of observation in Section 1 (12) should be expanded to include a minimum duration of at least twenty minutes. The commenters stated that allowing each local school district to set standards for the frequency and duration of observations will "threaten the state's ability to create the statewide professional growth and effectiveness system" that KRS 156.557 (2) requires.

Commenters stated that Section 5 (2) (j) should not allow any teacher, including a teacher who is struggling with professional effectiveness, to be harassed with needless or counter-productive observations. The comments added that only teachers with an ineffective professional practice rating need and deserve multiple observations. Those providing written comments regarding observation were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has considered the comment related to the observation definition. Because, the current definition of "observation" clearly states that observation means a data collection process conducted by a certified observer for the purpose of evaluation, and because the agency does not promulgate regulations for the Education Professional Standards Board, no change will be made in response to this comment.

The guidance being shared with districts related to the duration of observations is that a full observation is a full class or lesson that is observed and a mini observation is approximately twenty to thirty minutes. A formal observation is conducted by a certified observer for the purpose of evaluation. In a district's Certified Evaluation Plan, the district must explain the observation model they are using in order to comply with the minimum requirements. Observation criteria that do not meet these guidelines would not be approved by the agency. Because the agency is addressing the duration of observations through this process, no amendment to establish a minimum duration will be made.

(17) Subject Matter: Monitoring and Observation may not be covert

(a) Comment: Commenters stated that school district administrators are placing cameras in school classrooms with increasing frequency. Commenters added that many students carry cameras with them in their cellular telephones. Commenters noted that KRS 156.557 (5) (c) (3) forbids covert monitoring or observations. Commenters suggested that evaluated educators are entitled to know when and by whom they are being observed. The commenters stated that the regulation cannot authorize the use of cameras for the purpose of monitoring or observation unless the evaluatee knows of the use of cameras in advance.

Those providing written comments that monitoring and observation may not be covert were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: KRS 156.557 (5) (c) (3) addresses the need for teachers to be fully aware of observations and forbids surreptitious observations. However, the agency has determined that this section of the statute does not mean that all observations must be announced in advance. Neither the statute nor the proposed regulation expressly state or imply that “openly and with full knowledge” means “announced ahead of time.” The guidance being provided in the PGES FAQ is as follows:

Mini observations do not have to be announced. However, the observer must be visible and the teacher must be aware that an observation is occurring. Formal observations do not have to be announced. However, the observer must be visible and the teacher must be aware that an observation is occurring. The impact this will have on pre-conferencing should be considered. If a district chooses unannounced formal observations, the CEP should disclose that plan. Inherent in the concept of an effectiveness system is collaboration and continuous improvement. Such collaboration is enhanced by the full disclosure of evaluation methods. The carrying of cameras by students is beyond the scope of the proposed regulation, as such students would not be using such cameras to conduct evaluative observations. Cameras in classrooms may be placed for reasons other than evaluative observations, such as to promote student safety.

The proposed regulation and statute are congruent and no amendment will be made in response to the comments.

(18) Subject Matter: Supervisors and Observation

(a) Comment: Commenters stated that Section 1 (12), (13), (14), and (18) do not make clear that only supervisors may conduct an observation for the purpose of determining an evaluatee’s professional practice rating. The commenters requested that these paragraphs be clarified to state that observers are supervisors. The commenters stated that this was not consistent with KRS 156.557 (5) (c) (2) which designates that the immediate supervisor of certified school personnel shall be designated as the primary evaluator. The commenters also stated that KRS 156.557 provides that only at the request of the teacher may additional observations by other teachers be incorporated into the formative process.

Those providing written comments regarding supervisors and observation were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency carefully considered these comments and agrees that KRS 156.557 (5) (c) (2), states that “the immediate supervisor of the certified school personnel member shall be designated as the primary evaluator.” KRS 156.557 does not specify that all observations of certified school personnel shall be conducted by the immediate supervisor. Nor does the statute state that observers are supervisors. The proposed regulation clearly distinguishes between observation and evaluation. To meet the requirements of KRS 156.557 (3) (g), “be considerate of the time requirements of evaluators”, the agency proposes no amendment in response to these comments. The proposed regulation will continue to allow additional trained administrative personnel to observe and provide information to the evaluator. This allowance does not permit a person who is not the immediate supervisor to conduct an evaluation.

(19) Subject Matter: Definition of Other Professionals

(a) Comment: Commenters stated that the definition of “other professionals” is seriously lacking. Commenters queried whether the proposed regulation would characterize resource teachers, instructional coaches, interventionists, and athletic coaches as other professionals. Commenters queried whether an individual could, for the purposes of the proposed regulation, be both a teacher and an other professional. Those providing written comments regarding other professionals were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency appreciates the commenters’s desire to make the proposed regulation clear. An Other Professional Steering Committee has been working throughout the 2013-2014 school year to flesh out the requirements for other professionals. The proposed regulation, through the definitions in Section 1 (35) [teacher] and 1(15) [other professionals] has clarified which certified school personnel must participate fully in PGES in the 2014-15 school year. The agency proposes no amendments in response to these comments.

(20) Subject Matter: Peer Assistance and Review Process

(a) Comment: Commenters stated that the reference to the Peer Assistance and Review Process should be removed because the process is not a component of PGES.

Those providing written comments regarding the Peer Assistance and Review Process were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has carefully reviewed these comments and will remove references to Peer Assistance and Review Process. Districts may create a Peer Assistance and Review Process if they choose to do so, even if the option is not described in the proposed regulation. The agency chooses to leave this choice to the discretion of the district.

(21) Subject Matter: Peer Observer

(a) Comment: Commenters stated that the definition of peer observation in section 1 (18), should be expanded to state that peer observation is formative in nature and may not be reflected in the summative evaluation of the educator. Commenters also expressed concern that Section 5 (2) (b) requires at least one peer observation during the summative evaluation year. Commenters questioned whether peer observation during the summative year is more appropriate than during the formative years leading up to the summative evaluation to allow teachers to correct any perceived deficiencies. Commenters also stated that the proposed regulation does not specify how peer observations will be documented in the department-approved technology platform. The commenters suggested that documenting only the date and time of the peer observation and any peer conferences should be sufficient unless the evaluatee chooses to use the peer observation in the summative evaluation process.

Those providing written comments regarding peer observation were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has carefully considered the comments, and has concluded that the definition of peer observation is appropriate because Section 5 (2) (b) provides that at the request of a teacher, peer observations may be used in the formative process. Section 5 (2) (l) provides that the district, upon the request of a teacher, may use peer observation data in the formative process. Since the

regulation makes it clear in two parts of Section 5 that peer observations are for formative purposes only unless the teacher wants them used for summative purposes, no changes will be made in response to this comment.

Regarding the requirement of peer observation during the summative year, this inclusion was made to provide the evaluatee with current formative information to identify any deficiencies so that they might be addressed before the summative evaluation. Data collected by a peer in years one or two of the summative evaluation year would be outdated and of limited use to the evaluatee in making improvements. The proposed regulation establishes a minimum peer observation requirement, which may be increased at the option of the district. No amendment has been made in response to this comment.

In response to the comment regarding documentation of peer observations in the department-approved technology platform, no amendment has been made. Only teachers who have been observed by their peer can see the documentation of a peer observation unless observee chooses to give the evaluator access.

(22) Subject Matter: Definition of performance rating

(a) Comment: Commenters stated that the definition of “performance rating” refers only to teachers, principals and assistant principals and does not reference the evaluation of other administrators and other professionals. Those providing written comments regarding the definition of performance rating were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has carefully reviewed the definition of performance rating. The evaluations of other certified administrators and other professionals are outlined in Sections 14 and 13 respectively. The proposed regulation includes specific provisions for the evaluation of other certified administrators and other professionals in the 2014-2015 school year. The agency is studying implementation for these two identified groups. The regulation will be amended prior to the 2015-2016 school year to further define performance ratings for those groups. KRS 156.557 and the federal NCLB waiver required the agency to move forward with a system including at least three performance levels for teachers, principals and assistant principals. The agency is unwilling to jeopardize these broad and immediate goals while working toward permanent evaluation system components for the entire population of certified personnel. No amendments have been made in response to these comments.

(23) Subject Matter: Definition of preschool teacher

(a) Comment: Commenters stated that the regulation defines “preschool teacher” differently than “teacher” without an explanation of how they differ.

Those providing comments regarding the definition of preschool teacher were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has carefully considered these comments and notes that “preschool teachers” are defined in Section 1 (21) of the proposed regulation and teachers in Section 1 (35). Preschool teachers are certified pursuant to a different regulatory scheme than teachers. Preschool teachers will use the same Framework for Teaching as teachers, but will pilot during the 2014-15 school

year to address the unique blending situations that may occur in the preschool environment. In describing the pilot, it was necessary to define the subjects of the pilot as to distinguish the certifications of the two groups. Because this comment did not request an amendment, none has been considered, nor is one required.

(24) Subject Matter: Definition of professional growth plan

- (a) Comment: The "Professional growth plan" definition should include a reference to sections 9 and 12 of the proposed regulation.

Those providing written comments regarding the definition of professional growth plan were Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

- (b) Response: The agency has carefully considered this well-taken comment and the definition will be modified to include the suggested references.

(25) Subject Matter: Student voice survey

- (a) Comment: Commenters stated that the definition of "student voice survey" includes reference to "department-approved" and "administered annually." Comments advised that it is important that student voice surveys be consistent from one school year to another so that one survey may be compared to another.

Those providing written comments regarding student voice survey were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

- (b) Response: The agency appreciates the comments and acknowledges that the language in Section 1 (33) should be clarified to avoid the misconception that districts can adopt their own student voice survey each year, possibly resulting in inconsistent data over time. The student voice survey is provided by the agency and administered on an annual basis. The fact that the agency provides the survey will ensure consistency of data across the state and within districts. The definition in Section 1 (33) will be modified to read, "'student voice survey' means the student perception survey provided by the department that is administered annually to a minimum of one district-designated group of students per teacher evaluatee and provides data on specific aspects of the classroom experience and professional practice of the teacher evaluatee."

(26) Subject: Technical Edits

- (a) Comment: Commenters offered the following technical edits for consideration:
p. 15 line 7 – Believe the regulatory reference should be to 703 KAR Section 1(11), rather than (9). (11) addresses the referenced student growth percentile.
p. 25, line 14 – The word "apply" should be "applicable."
Sections 8(5) and (6) should be 7(9) and (10); Sections 11(4) and (5) should be Section 10(8).

Those providing written comments related to technical edits were: John Fogle (KSBA) and Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has considered and evaluated these comments and these technical amendments will be made.

(27) Subject Matter: Benefits of PGES implementation

(a) Comment: A commenter stated that the foundation of the Teacher Professional Growth and Effectiveness System is beneficial. The commenter stated that district administrators support the changes and the theory behind the system. The administrators in the commenter's district reportedly embrace the system because it puts principals in classrooms, focusing on instruction, and believe that the system has the power to transform teaching and learning. The commenter stated that implementation of the PGES needs to be smooth to positively impact teaching and learning.

Those providing writing comments recognizing the benefits of the PGES implementation were: Gina Truax Biever (Hancock County Public Schools).

(b) Response: The agency agrees with comments about the benefits of the system and commends the Teacher and Principal Steering Committees for their thoughtful approach to their recommendations regarding the design and implementation of the PGES. The agency shares the desire for implementation of the PGES to be smooth. The agency has invested, in collaboration with stakeholders, the past five years in designing and implementing the PGES. Because the comment did not request amendments, none will be made in response.

(28) Subject Matter: Professional Practice and Student Growth Ratings

(a) Comment: Commenters stated that Section 7 (5)-(7) of the proposed regulation should not be considered an exhaustive list of evidences to be used for a teacher's professional practice rating. The commenters asserted that teacher-generated evidence should be included in the proposed regulation. Also, the commenters stated that Section 7 (10) requires local districts to use growth trends consisting of the three most recent years of student growth data, when available. The commenters suggest that it will be a while until teachers have three years of valid student growth data and that, in the interim, the professional practice rating should be the teacher's overall performance rating. Those providing comments on Professional Practice and Student Growth Ratings were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: Section 7 (5)-(7) of the proposed regulation includes the sources of evidence to be used in determining a teacher's professional practice rating. The Teacher Steering Committee recommended that each teacher receive data from all available measures, every year. One of those sources of evidence can be, if included in the district's evaluation plan, other district-determined sources of evidence. If the district evaluation plan includes teacher-generated evidence, then that evidence can be used in determining the professional practice rating of a teacher. Regarding the suggestion to allow the professional practice rating to be the overall performance rating for teachers in the absence of three years of reliable student growth data, the agency will not be making amendments. KRS 156.557 and Kentucky's federal NCLB waiver require the use of student growth data as a significant factor in determining the effectiveness of teachers and principals. If the agency recommends delaying, any longer, the use of student growth in the determination of a teacher's overall performance rating, the agency will jeopardize the waiver. In April 2012, the Teacher Effectiveness Steering Committee discussed, with the commissioner, the use of three years of student growth data. The

commissioner charged the Steering Committee to help determine how student growth would be used in the summative model. Also, the recommendation of the teacher steering committee to use the summative model contained in the proposed regulation allows for the principal to exercise professional judgment when determining the overall rating of a teacher. The number of years of student growth data the teacher has and the context in which the teacher teaches can all be taken into consideration when determining the overall performance rating of a teacher. Also, the inclusion of two contributions to student growth (state and local) assures that no teacher's student growth rating or overall performance category will be determined by state assessment data alone. If three years of student growth data are required before teachers can receive an overall performance rating that includes professional practice and student growth, the requirements of the regulation that non-tenured teachers be evaluated each year using professional practice and student growth to determine their overall performance rating would not be possible. Three years of student growth data is optimum for the determination of the impact that a teacher has had on student growth. However, in the absence of all three years of student growth data, teachers and principals can still have constructive conversations that lead to continuous improvement of instruction and improved student learning.

In reviewing Section 7 (9) (3) (d) for this response, an error was detected. The reference to "typical student growth" should read "typical yearly growth". Also, the reference to student growth percentile in Section 7 (10) (a) should be 703 KAR 5:200 Section 1 (11) instead of Section 1 (9). These changes will be made.

(29) Subject Matter: Documentation of Summative Evaluation

(a) Comment: Commenters suggested a revision to the proposed regulation's inclusion of sources of evidence.

Those providing written comments regarding documentation of summative evaluation were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has carefully considered this comment and agrees that modification is appropriate and the agency will adopt the following alternative language: "All evidence used to produce a certified school personnel's overall performance rating shall be included in the documentation of the summative evaluation."

(30) Subject Matter: Documents Incorporated by Reference

(a) Comment: Commenters stated that the proposed regulation incorporates too many external documents by reference.

Those providing written comments regarding documents incorporated by reference were: Stephanie Winkler (KEA) and Mary Ann Blankenship (KEA).

(b) Response: The agency has fully considered this comment. The agency determined that including the documents by reference reduced the length of the regulation significantly. Also, the agency felt that sharing the graphic representations of the proposed regulation would complement the regulation, show alignment, and provide greater clarity. KRS 156.557 specifies that the PGES include eight specific elements and 10 performance criteria. The agency determined that it was necessary and appropriate to

fully explore these required elements through the regulation and the documents incorporated by reference. As the comment requests no amendment of the regulation, none will be made in response.

Summary of Statement of Consideration And Action Taken by Promulgating Administrative Body

The Kentucky Department of Education has responded to comments from the public regarding 704 KAR 3:370. The agency received multiple and detailed comments. These comments can be broadly categorized as related to: 1) Definitions; 2) Responsibilities of the local evaluation committee and local board of education; 3) Observations; 4) Student Growth; 5) Implementation timeline; 6) Training and timeline; 7) Waiver provisions; 8) Superintendent evaluations; 9) Comparability and fidelity of implementation; 10) State Evaluation Appeals Panel; 11) Pilots; and 12) Training requirements.

The agency received comments upon the definitions of: conference, those regarding observations, the peer assistance and review process, peer observation, performance ratings, preschool teachers, professional growth plans, student voice survey, and improvement plans. Comments prompted the agency to reconsider the definitions for conference and student survey. The definition of Peer Assistant and Review Process and references to that Process will be removed. The agency will add a definition of improvement plan to clarify the plan options and will clarify evaluator authority that exists with low performing teachers and principals. To clarify the type of professional growth plans that teachers and principals will have determined by the professional practice and student growth ratings, the definition of professional growth plan will include references to those sections of the proposed regulation.

The agency received comments regarding the responsibilities of the local evaluation committee as it relates to the local board of education and made amendments for clarity and consistency.

Commenters expressed concerns about several aspects of observations including duration, frequency, and purpose. The agency has provided guidance on best practices related to observations and recognizes the additional demands put on principals in relation to observations. The agency has not made amendments in response to the comments.

The agency received comments about student growth. One commenter pointed out the complexities of student growth implementation. Two other comments stated that because teachers will not have three years of valid student growth data for several years, the overall performance rating, for now, should be the professional practice rating. The agency recognizes the complexities of student growth but has provided numerous resources to support its implementation. The agency will not make any changes in response to the suggested use of the professional practice rating as the overall performance rating; the agency will honor the summative model recommended by the Teacher and Principal Steering Committees, which permits the professional judgment to the evaluator to consider the context of the teacher when assigning ratings. Also, consideration of student growth is required to meet the requirements of KRS 156.557 and Kentucky's federal NCLB waiver.

Some comments requested that the implementation timeline be delayed again. The agency notes that the requirements of KRS 156.557 and Kentucky's federal NCLB waiver makes it impossible to further postpone implementation. Kentucky has received an extension from the United States Department of Education allowing the delay of personnel decisions and accountability until 2015-16.

A commenter stated that a lack of training has made the implementation timeline difficult. The agency has implemented a wide variety of training opportunities and resources that are available to districts free of charge, including coaches in each cooperative region who are tasked to work with districts individually to meet their unique implementation needs.

The agency received a comment that the agency should fully consider waivers for districts who want to have alternative systems. The agency is doing so, and recommended approval of a waiver request by the Kentucky Board of Education at the April, 2014 meeting. No additional waiver requests have been submitted at this time.

The agency received comments stating that references to the superintendent evaluation in the proposed regulation were unnecessary because KRS 156.557 addresses superintendent evaluation. The agency has determined that the inclusion of superintendent evaluation in the proposed regulation is appropriate and required by statute.

Comments expressed concern about comparability and fidelity related to student growth. The agency identified the resources provided to districts to address comparability and fidelity in the student growth component of the system.

The agency received and made amendments consistent with comments regarding the State Evaluation Appeals Panel.

Comments asked for clarity around other professionals and preschool teachers. The agency explained that pilots will be conducted during the 2014-2015 school year and the regulation will be amended at the completion of those pilots to incorporate the results. The proposed regulation specifically addresses how educators in those groups will be evaluated in the 2014-2015 school year.

The agency received comments related to the training requirements for evaluators in years 2 and 3 of the evaluator training and testing cycle. Commenters suggested that the six hour requirement seemed unnecessary. The agency has clarified that section of the regulation.

The agency proposes the following amendments after comments:

Page 2

Section 1(5)

Line 10

After "providing", delete "evaluator".

Page 2

Section 1(9)

Line 16

After "(9)", insert the following:

"Improvement plan" means a plan for improvement of up to twelve (12) months in duration for teachers who are rated ineffective in professional practice and have a low overall student growth rating and for principals who are rated ineffective in professional practice and have a high, expected, or low overall student growth rating.

(10)

Pages 2 and 3

Section 1(10), (11), (12), (13), (14), and (15)

Lines 18, 20, 21, 3, 6, and 9

Renumber these six subsections by inserting "(11)", "(12)", "(13)", "(14)", "(15)", and "(16)", respectively, and by deleting "(10)", "(11)", "(12)", "(13)", "(14)", and "(15)", respectively.

Page 3

Section 1(16)

Line 11

Before "(16)", insert "(17)".

Delete "(16)".

After "Overall", insert "student".

Line 12

After "requirements of", insert "Section 7(9) and (10)".

Delete "Sections 8(5) and (6)".

Line 13

After "requirements of", insert "Section 10(8)".

Delete "Sections 11(4) and (5)".

Page 3

Section 1(17)

Lines 15-17

Delete subsection (17) in its entirety (which is the definition of "Peer assistance and review process").

Page 5

Section 1(24)

Line 1

After "evaluator", insert the following:

as described in Sections 9(1), (2), (3), and (4) and 12(1), (2), (3), and (4)

Page 6

Section 1(33)

Line 6

After "means the", delete "department-approved".

After "perception survey", insert "provided by the department".

Page 8

Section 5(1)

Line 2

After "education shall", insert "review and adopt".

Delete "act upon".

Page 8

Section 5(2)

Line 4

After "shall", insert "review and approve".

Delete "adopt."

Page 9

Section 5(2)(p)

Lines 22 and 23

After "(p)", insert the following:

All evidence used to produce a certified school personnel's overall performance rating shall be included in the documentation of the summative evaluation

Delete the remainder of this paragraph, except the period.

Page 10

Section 5(2)(r)

Line 3

Delete paragraph (r) in its entirety.

Page 11

Section 6(7)

Line 16

After "include", insert the following:

a minimum of six (6) hours

Line 17

After "each year", insert "and include".

Page 11

Section 6(7)(b)

Lines 20-22

After "(b)", insert the following:

Update training on professional growth and effectiveness statutes and administrative regulations and training for evaluators on any changes to the Professional Growth and Effectiveness System and certified evaluation plan, policies, or procedures

Delete the remainder of this paragraph, except the period.

Page 15

Section 7(9)(d)

Line 2

After "typical", insert "yearly".

Delete "student".

Page 15

Section 7(10)(a)

Line 7

After "Section 1", insert "(11)".

Delete "(9)".

Page 16

Section 9

Line 13

After "Cycle for", insert "Tenured".

Page 16

Section 9(1)

Line 14

After "appropriate", delete "growth".

Lines 15 and 16

After "Growth Plan", insert "and Cycle".

Delete "Model".

Line 16

After "for", insert "Tenured".

Page 22

Section 12

Line 10

After "Plan", delete "Model".

Page 23

Section 12(5)

Line 4

After "a minimum," insert "an improvement".

Delete "a professional growth".

Page 24

Section 13(3)

Line 8

After "KRS 156.557(4)", insert "applicable".

Delete "that apply".

Page 25

Section 14(9)

Line 14

After "KRS 156.557", insert "(4) applicable".

Delete "that apply".

Page 27

Section 19(2)(a)

Line 13

After “local appeals panel”, insert “related to”.

Delete “or”.

After “the district’s”, insert “alleged”.

Line 17

After “level”, delete the following:

and any documents submitted pursuant to paragraph (c) of this subsection

Page 28

Section 20(1)(g)

Line 17

After “Growth Plan”, insert “and Cycle”.

Delete “Model”.

After “Teacher”, insert “June”.

Delete “May”.

Page 28

Section 20(1)(h)

Line 18

After “Plan”, delete “Model”.

After “Principals”, insert “June”.

Delete “May”.

The agency proposes the following changes to two documents incorporated by reference:

Kentucky Professional Growth Plan Model for Assistant Principals and Principals

The title will be changed to “Kentucky Professional Growth Plan for Assistant Principals and Principals”.

Kentucky Professional Growth Plan Model for Tenured Teachers

The title will be changed to “Kentucky Professional Growth Plan and Cycle for Tenured Teachers”.

In the top left-hand box of the “Kentucky Professional Growth Plan and Cycle for Tenured Teachers”, the phrase, “summative evaluation at the end of year three (3)” will be added to the bulleted list. The same addition will be made to the center middle and far right boxes.